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UNITED STATES DISTRICT COURT

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February 8, 2008

**VIA FACSIMILE**

Honorable Naomi R. Buchwald  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2270  
New York, NY 10007-1312

Re: Marcello, et. al., v. New York City Department of Correction, et. al.  
07-CV-9665 (NRB) (MHD)

Dear Judge Buchwald:

I am the Assistant Corporation Counsel assigned to the above-referenced action. I write on behalf of the Department of Correction<sup>1</sup> to respectfully request that defendants' time to respond to the Complaint be extended from February 5, 2008 to March 10, 2008. This is defendants' first request for an extension of time in this matter. The additional time is necessary to interview the named defendants and determine issues of representation pursuant to General Municipal Law 50-k(2), as well as to conduct an investigation into plaintiff's allegations.

So ordered.  
Naomi R. Buchwald  
2/14/08

<sup>1</sup> Upon information and belief, all of the other individually named defendants in this action have not been properly served with the Summons and Complaint. An extension of time will increase the likelihood of this office being able to interpose a single answer.

As plaintiff is incarcerated and proceeding *pro se*, I am unable to obtain his consent prior to making this request.

Thank you for your courtesy and consideration of defendants' request to extend its time to respond to the Complaint to March 10, 2008..

Respectfully yours,



Michael Suarez (MS 5038)  
Assistant Corporation Counsel

cc: McDonald Marcello  
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